

CHILD SUPPORT GUIDELINE COMMISSION

NOTICE OF REGULAR MEETINGS

Pursuant to D.C. Code § 16-916.02 (2003 Supp.), on December 31, 2003, the District of Columbia Child Support Guideline Commission ("Commission") issued initial recommendations to the Mayor regarding changes to the District's Child Support Guideline.

On February 12, 2004, the Commission held a public meeting to receive comments on its initial recommendations.

The Commission is now in the process of reviewing the comments and preparing its final recommendations for the Mayor. To this end, the Commission has scheduled two regular meetings as follows:

- Wednesday, March 17, 2004, at 8:00 am.
- Thursday, April 8, 2004, at 9:00 am.

Both meetings will be held at 441 4th Street NW, 5th Floor North, Conference Room A, Washington, DC 20001.

Members of the public who wish to attend either meeting are invited to do so.

**BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in seventeen (17) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code §1-309.06(d)(2);2001 Ed.

VACANT: 7D07

Petition Circulation Period: **Wednesday, February 25, 2004 thru Tuesday, March 16, 2004**

Petition Challenge Period: **Friday, March 19, 2004 thru Thursday, March 25, 2004**

VACANT: 2E02, 3B04

Petition Circulation Period: **Monday, March 1, 2004 thru Monday, March 22, 2004**

Petition Challenge Period: **Thursday, March 25, 2004 thru Wednesday, March 31, 2004**

VACANT: 3B01, 5A01

Petition Circulation Period: **Tuesday, March 2, 2004 thru Monday, March 22, 2004**

Petition Challenge Period: **Thursday, March 25, 2004 thru Wednesday, March 31, 2004**

**VACANT: 3D07, 3D08, 3E05
 4A05
 5C10, 5C11
 6B11
 8B03, 8C05, 8C06, 8E01**

Petition Circulation Period: **Wednesday, March 3, 2004 thru Tuesday, March 23, 2004**

Petition Challenge Period: **Friday, March 26, 2004 thru Thursday, April 1, 2004**

VACANT: 7B05

Petition Circulation Period: **Monday, March 8, 2004 thru Monday, March 29, 2004**

Petition Challenge Period: **Thursday, April 1, 2004 thru Thursday, April 7, 2004**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N**

For more information, the public may call 727-2525.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS

Certification of Filling a Vacancy
In Advisory Neighborhood Commission

Pursuant to D.C. Code section §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single member district by the individual listed below:

Charles L. Howe
Single Member District 3B02

Friendship Public Charter School**REQUEST FOR PROPOSALS****FOR CONSTRUCTION AND/OR DESIGN BUILD SERVICES****NEW CONSTRUCTION FOR HVAC UPGRADES TO FRIENDSHIP PUBLIC CHARTER SCHOOL****CHAMBERLAIN CAMPUS**

Sealed qualification statements (an original and four (4) legible copies), in an envelope clearly marked "RFP-HVAC UPGRADES TO FRIENDSHIP EDISON PUBLIC CHARTER SCHOOL – CHAMBERLAIN CAMPUS", will be received in the office of Friendship Public Charter School, Inc. located at 701 E Street, SE, Washington DC marked to the attention of Kimberly Campbell until 4:00 PM on March 19, 2004 for:

PROVIDE GENERAL CONTRACTING / DESIGN BUILD / DESIGN ASSIST SERVICES FOR THE CONSTRUCTION OF AN HVAC UPGRADE TO FRIENDSHIP PUBLIC CHARTER SCHOOL – CHAMBERLAIN CAMPUS, 1345 POTOMAC AVENUE, SE, WASHINGTON D.C.

This is a fast-track project. FPCS desires to have the school open for the August 2004 school year. All offerors shall understand that FPCS reserves the right to include Liquidated Damages in the Contract. Selection and award is anticipated to be on or before March 31, 2004.

FPCS reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Introduction

FPCS is soliciting proposals and qualification statements from offerors having specific interest and qualifications in the areas identified in this solicitation. Qualification statements for consideration must contain evidence of the offeror's experience and abilities in the specified area and other disciplines directly related to the proposed work. Other information required by FPCS includes the submission of profiles and resumes of the staff to be assigned to the projects, references, illustrative examples of similar work performed, and any other requested information which will clearly demonstrate the offeror's expertise in the area of this solicitation.

A selection committee will review and evaluate all qualification statements and may request offerors to make oral presentations. The selection committee will rely on the qualification statements in selection of finalists and, therefore, offerors should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Project Description

The Chamberlain Campus is an existing K-5 school. The Chamberlain Campus opened in September 1998. The school is housed in an existing three-story building with a basement. The HVAC system uses steam and hot water provided by a central boiler plant in the basement of the building. Cooling and conditioned air is supplied by individual fan coil units and ventilator units in the classrooms and cafeteria. A package rooftop air conditioning unit serves the gymnasium area. Some of the HVAC equipment dates back to 1965. The project will include: full replacement / upgrade of the existing system, primary electrical service upgrade – existing service is at full capacity and new HVAC will likely require additional capacity, new ceilings – due to disruption caused by new piping and power distribution, existing masonry openings for FA intakes will likely need to be increased, selective floor finish replacement due to construction impacts and painting and / or touch up due to construction impacts.

FPCS reserves the right to select an independent architect and to assign the architect to the successful offeror; however, offerors may also propose their own design team for the purpose of this solicitation. FPCS, at its sole discretion may select the entire design build team or they may split the teams and reconstitute a new team. There is no guarantee that FPCS will use the current AE for the design build effort after a design builder is selected.

FPCS intends to enter into either a modified AIA 121 CMC or AIA 191 Agreement with the successful offeror. The project shall be "open book" with a GMP. The expected construction budget is estimated to be \$1 mil to 2.5 mil including general conditions and fee. Compliance with OLBD LSDBE and First Source goals shall be required for all successful offerors. Safety considerations must also be taken into account as students may occupy the current facility while the HVAC upgrade is under construction.

All offerors should understand that the project schedule is aggressive. FPCS desires to have the school open and the HVAC system operable for the August 2004 school year.

Qualification Statement Requirements

The offeror shall provide the following information organized as follows in their qualification statement:

1. A brief discussion of the firm, its organization, and services offered;
2. Information which demonstrates a history of providing fast-track and/or design-build construction services of a similar nature and scope as those required by this solicitation; experience on design and construction of pre-engineered building structures
3. Owner/Client's name, contact person, telephone number, project description, project value, and prime contractor's name and address for at least three (3) similar construction projects completed by the offeror during the past three (3) years.
4. Proposed team and qualifications and experience of team members;
5. Description of successfully completed fast track and/or design-build projects of similar program or complexity in the District of Columbia.
6. Information regarding proposed contractors, and major trade subcontractors to be included on the project team and a description of prior co-work experience;
7. Experience and history of the offeror in the particular disciplines covered by this solicitation;
8. A participation plan for Local and Small Disadvantaged Business Enterprises (LSDBE) shall be required for the successful bidder. For more information on LSDBE certified firms see <http://olbd.dc.gov/>.

Proposal Requirements

1. General Conditions & breakdown
2. Fee
3. Hourly rates
4. Design Fees
5. Proof of bonding and insurance.
6. Description of proposed development strategy and development issues and anticipated hurdles that the project must deal with to meet the schedule. This should outline the offerors plan for successfully delivering a finished building by August 15, 2004.
7. Scope of Proposed Design Build Services and Exclusions

Attachments (TO BE RETURNED WITH PROPOSALS)

1. ISES Chamberlain Campus Facility Condition Analysis

Should you have any questions with regard to this solicitation, please contact Kimberly Campbell, Deputy Chief of Staff, at 202-675-0039.

Friendship Public Charter School**REQUEST FOR PROPOSALS****FOR PROJECT AND DEVELOPMENT MANAGEMENT SERVICES****DESIGN AND CONSTRUCTION FOR CAPITOL IMPROVEMENTS TO FRIENDSHIP PUBLIC CHARTER SCHOOL – CHAMBERLAIN and BLOW PIERCE CAMPUSES**

Sealed proposal (an original and four (4) legible copies), in an envelope clearly marked "RFP- CAPITOL IMPROVEMENTS TO FRIENDSHIP PUBLIC CHARTER SCHOOL – CHAMBERLAIN and BLOW PIERCE CAMPUSES", will be received in the office of Friendship Public Charter School, Inc. located at 701 E Street, SE marked to the attention of Kimberly Campbell until **4:00 PM on March 19, 2004** for:

"PROVIDE PROJECT MANAGEMENT AND DEVELOPMENT CONSULTING FOR THE DESIGN AND CONSTRUCTION OF CAPITOL IMPROVEMENTS TO FRIENDSHIP PUBLIC CHARTER SCHOOL – CHAMBERLAIN CAMPUS, 1345 POTOMAC AVENUE, SE, WASHINGTON D.C. AND BLOW PIERCE CAMPUS, 725 19TH STREET, NE, WASHINGTON D.C."

FPCS reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Introduction

FPCS is soliciting proposals from offerors having specific interest and qualifications in the areas identified in this solicitation. Qualification statements and proposals for consideration must contain evidence of the offeror's experience and abilities in the specified area and other disciplines directly related to the proposed work. Other information required by FPCS includes the submission of profiles and resumes of the staff to be assigned to the projects, references, illustrative examples of similar work performed, and any other requested information which will clearly demonstrate the offeror's expertise in the area of this solicitation.

A selection committee will review and evaluate all qualification statements and may request offerors to make oral presentations. The selection committee will rely on the qualification statements in selection of finalists and, therefore, offerors should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Project Description

The Chamberlain Campus is an existing K-5 school. The Chamberlain Campus opened in September 1998. The school is housed in an existing three-story building with a basement. The HVAC system uses steam and hot water provided by a central boiler plant in the basement of the building. Cooling and conditioned air is supplied by individual fan coil units and ventilator units in the classrooms and cafeteria. A package rooftop air conditioning unit serves the gymnasium area. Some of the HVAC equipment dates back to 1965. The project will include: full replacement / upgrade of the existing system, primary electrical service upgrade – existing service is at full capacity and new HVAC will likely require additional capacity, new ceilings – due to disruption caused by new piping and power distribution, existing masonry openings for FA intakes will likely need to be increased, selective floor finish replacement due to construction impacts and painting and / or touch up due to construction impacts.

The Blow Pierce Campus is an existing 6-8 Junior Academy school. The Blow Pierce Campus opened in September 1998. The school is housed in an existing three-story building. The HVAC system uses steam provided by a central boiler plant in the basement of the building. Cooling and conditioned air is supplied by

two reciprocating chillers and ventilator units in the classrooms and cafeteria. A package rooftop air conditioning unit serves the gymnasium area. The project will include: full replacement / upgrade of the existing system, primary electrical service upgrade – existing service is at full capacity and new HVAC will likely require additional capacity, new ceilings – due to disruption caused by new piping and power distribution, existing masonry openings for FA intakes will likely need to be increased, selective floor finish replacement due to construction impacts and painting and / or touch up due to construction impacts.

The expected construction budget is estimated to be \$1.5 mil to 3.5 mil. Compliance with OLBD LSDBE and First Source goals shall be required for all successful offerors.

All offerors should understand that the Chamberlain Campus's project schedule is aggressive. FPCS desires to have the school open for the August 2004 school year. The Blow Pierce project is scheduled to commence during the summer of 2005.

Qualification Statement Requirements

The offeror shall provide the following information organized as follows in their qualification statement:

1. A brief discussion of the firm, its organization, and services offered;
2. Information which demonstrates a history of providing real estate, development, programming, design management and project management services with single and multi-facility end-users. Experience on fast-track and/or design-build projects of similar nature and scope as those required by this solicitation; knowledge and experience on design and construction of pre-engineered building structures.
3. Owner/Client's name, contact person, telephone number, project description, project value, and prime contractor's name and address for at least three (3) similar construction projects completed by the offeror during the past three (3) years.
4. Proposed team and qualifications and experience of team members; knowledge and experience of team members with education, public school or charter school projects. Knowledge of education facilities start-up, operations, and facilities maintenance requirements
5. Description of successfully completed fast track and/or design-build projects of similar program and complexity in the District of Columbia or surrounding local jurisdictions.
6. Experience and history of the offeror with local building and regulatory requirements, OLBD, LSDBE, and First Source and publicly financed projects. A participation plan for Local and Small Disadvantaged Business Enterprises (LSDBE) shall be required for the successful bidder. For more information on LSDBE certified firms see <http://olbd.dc.gov/>.

Proposal Requirements:

Offerors shall submit the following in addition to qualifications:

1. Proposed scope of services
2. Detailed description of proposed development strategy and development issues and anticipated hurdles that the project must deal with to meet the schedule.
3. Proposed Fee and Fee Structure
4. Hourly billing rates for assigned team members
5. Budget hours and cost by day, week, month

Should you have any questions with regard to this solicitation, please contact Kimberly Campbell at 202-675-0039.

PUBLIC CHARTER SCHOOL BOARD**NOTICE OF PUBLIC MEETING**

Washington, DC: The DC Public Charter School Board will hold its monthly public meeting on Monday, March 15, 2004 at 7:30pm. Agenda items will include Board decisions on several charter school amendment proposals. The meeting will take place at the Board headquarters at 1436 U Street, NW, Suite 401.

Community members interested in public charter school education are encouraged to attend. For more information, call 202/328-2660.

reSTORE DC

Commercial District Technical Assistance Program

Notice of Funding Availability**March 12, 2004**

Consistent with activities authorized by the Community Development Act of 1975 (D.C. Code Section 6-1006.) and pursuant to Mayor's Order 99-62 (issued April 9, 1999), the Deputy Mayor for Planning and Economic Development announces a Commercial District Technical Assistance Program (CD-TAP) and issues this Notice of Funding Availability ("NOFA").

PROGRAM DESCRIPTION

The Commercial District Technical Assistance Program (CD-TAP) provides specific, discrete technical assistance and funding for projects and activities that help to revitalize neighborhood business districts. Sample projects or activities that CD-TAP could fund include, but are not limited to, the following:

- Organizing for commercial revitalization
- Financial planning
- Recruiting volunteers
- Event development and production
- Marketing, promotion and merchandising strategies and products
- Market analysis
- Design guidelines
- Business mix
- Streetscape design
- Design charettes
- Project planning
- Mixed use development strategies
- "Clean and Safe" campaigns, services and products
- Business development assistance
- Architectural assistance
- Community initiated development training
- Strategic planning
- Establishing a Business Improvement District
- Parking and traffic analysis and management
- Evaluation and assessment

Consulting services can be provided by numerous and varied local, regional, or national specialists. If a CD-TAP applicant's request for assistance can be met by an existing technical resource offered by the District, the applicant may be referred to that agency. Alternatively, an applicant may contract with an independent contractor. Once the CD-TAP

award is made, technical assistance should be delivered within 60 to 90 days, with a project report completed by the recipient within 6 months thereafter.

Program Administration

The program will be administered by the Office of the Deputy Mayor for Planning and Economic Development.

Funding

\$400,000 in matching CD-TAP funds will be available in FY2004. Awards will range from a minimum of \$500 to a maximum of \$25,000. Small requests are especially encouraged. Awards will be made according to the following four categories of technical assistance, with some examples of eligible activities or projects.

- **ORGANIZATION:** Incorporation, Drafting By-Laws, Volunteer Recruitment, Staffing Plans, Capacity Building, Funding Plan Development, Community Outreach and Input, Forming Neighborhood BIDs
- **ECONOMIC RESTRUCTURING:** Market/Feasibility Studies, Developing a Marketing Plan, Project Planning, Property Development Studies, Retail Enhancement
- **DESIGN:** Urban Design, Architectural Assistance, Signs, Safety and Security
- **PROMOTION:** Advertising, Special Events, Retail Merchandising, Merchant Directory

Funding Match Requirements

Applicants will be required to match every \$2 of CD-TAP funding with \$1 toward the project cost. No match is required for the award of technical assistance chosen from the list of organizational development consulting services (see attachment). Eligible match sources include private and non-District public funds (e.g., federal). In-kind contributions are not an eligible match.

Eligible Applicants

Any non-profit organization, *excluding* designated DC Main Streets districts, operating in the District of Columbia whose goals include the economic revitalization of neighborhood business district(s) may apply to CD-TAP. No single organization will be awarded more than \$50,000 per fiscal year and each neighborhood business district is limited to \$50,000 in aggregate annual funding from the CD-TAP program. A non-profit corporation may submit an application on behalf of an unincorporated group and serve as the fiduciary agent for the group. However, in this instance, the applicant must clearly outline project responsibilities; the applicant will be held accountable for achieving

project outcomes. Unincorporated groups are still eligible to receive technical assistance in the form of advisory services, training, and workshops, but not in the form of a direct cash grant. An example of an unincorporated group receiving technical assistance is "how to get organized and incorporate."

Organizations with projects or activities in areas eligible to receive federal Community Development Block Grant funding are encouraged to consult the District's Department of Housing and Community Development (Neighborhood Development Assistance Program).

Ineligible Applicants

Designated local programs of DC Main Streets are ineligible for CD-TAP, although applications from other organizations are encouraged if proposing a project or activity that is supported by a designated local Main Street program. Individual businesses are also ineligible for CD-TAP.

Application Procedures

Applicant organizations are encouraged to submit applications for CD-TAP throughout the NOFA period. Applications should be mailed or delivered any time to *reSTORE* DC, 1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC, 20009. Applicants are required to complete a standard grant application developed by the Washington Regional Association of Grantmakers. For more information, and to download the application guidelines, please refer to:

http://www.washingtongrantmakers.org/WG/GM_Resources/Format/Format_Index.asp.

Applicant organizations should be certain to identify the following:

1. Needs to be addressed;
2. Amount of funding requested;
3. Service provider (if identified);
4. Type and scope of services to be funded (including consultant proposal);
5. Description of any previous attempts to address the need (including working with other D.C. agencies);
6. Expected benefit of the consulting assistance, including objectives of the service to be provided;
7. Description of strategy to implement the resulting plan or recommendations;
8. Program budget;
9. Proof of non-profit status;
10. IRS Form W9 (Request for Taxpayer Identification Number);
11. Letters of Support;
12. Letter of Intent to comply with applicable District Laws including, but not limited to, First Source Hiring, LSDBE procurement, and Apprenticeship Program; and
13. Financial report of applicant organization.

14. Applications will be internally reviewed by reSTORE DC staff, and by also be reviewed by the Commercial Revitalization Task Force. The Task Force will be comprised of not fewer than 3 representatives from the following agencies and private programs:

Deputy Mayor for Planning and Economic Development
Department of Housing and Community Development
Office of Planning
District Department of Transportation
Department of Banking and Financial Institutions
D.C. Marketing Center
Georgia Avenue Business Resource Center
Clean City Program

Additional comments may be sought from staff of the Office of Planning (including neighborhood planners and/or the project manager for Revitalization Planning) and/or Neighborhood Service Coordinators in the Office of the City Administrator and Neighborhood Outreach Coordinators in the Mayor's Office of Public Advocate.

Evaluation Criteria

CD-TAP applications will be evaluated according to the following:

- Information provided in the application
- Financial need
- Economic conditions
- Likelihood of implementation following funding
- Benefit to the commercial district and neighborhood

Applications will be scored according to the evaluation criteria. Applications that receive the highest scores will be selected to receive funding. Funding awards may be conditional upon the applicant completing a task or action related to the project. For example, if the review committee determines that the scope of the project is too complex to be addressed as described in the application, funding could be awarded for a portion of the technical assistance. Or, if the request for funding is not supported by a key neighborhood stakeholder, the award could be conditional upon demonstration of support from that key individual or organization.

Disbursement of Funds

CD-TAP funds will be disbursed in one of three ways:

1. Grant funds will be awarded to the applicant non-profit organization, which will contract with a consultant for the approved project scope; or

2. DMPED will contract directly with a consultant for two thirds of the project fee and the applicant will contract with the consultant for one third of the project fee. A single Memorandum of Agreement ("MOA") could serve as the contract.
3. DMPED will contract with the consultant for the entire project fee when the services delivered are part of the organizational development consulting services available from CD-TAP.

Procurement contracts of \$2,500 or less may be awarded without competitive bid; procurement contracts of between \$2,500 and \$15,000 may be awarded with minimum 3 verbal bids; procurement contracts of between \$15,000 and \$25,000 may be awarded with minimum 3 written bids.

Awards of \$10,000 or less may be made in one disbursement. Awards between \$10,000 and \$25,000 may be disbursed in multiple payments.

Reporting Requirements

The applicant organization will be held accountable for project implementation. Therefore, recipients will be required to document and report the demonstrated results of the consulting services. Reports must be delivered no more than six months after the date of delivery of the technical assistance. Grantees are subject to audit.

reSTORE DC**Commercial District Technical Assistance Program****Organizational Development Consulting Services
Available Through CD-TAP**

The National Main Street Center, in cooperation with the District of Columbia's *reSTORE* DC program, will provide a variety of organizational development consulting services under the District's Commercial District Technical Assistance program (CD-TAP). As organizations apply for CD-TAP funds to organize for commercial revitalization, the National Main Street Center would provide them with the technical assistance necessary to achieve the following objectives:

- acquaint neighborhood organizations with the Main Street Four-Point Approach™;
- evaluate local organizational capacity to implement a revitalization program;
- provide specific advice and recommendations regarding organizational structure;
- assist with developing a broad base of volunteers;
- training in the Main Street Four Point Approach™; and
- identify sources of funding for revitalization and fund-raising methods.

The following services would assist non-Main Street neighborhood commercial districts with developing or increasing their organization's capacity to apply for DC Main Streets and to implement a successful Main Street program. These services would be delivered as directed by *reSTORE* DC staff.

Main Street Assessment

The NMSC will work with non-Main Street commercial districts to conduct a Main Street Assessment as directed by *reSTORE* DC staff. The objectives of the Main Street Assessment are as follows:

- To identify some of the commercial district's major problems, opportunities, and needs;
- To provide community members with information about the Main Street Four-Point Approach;
- To determine whether or not the Main Street Four-Point Approach is an appropriate strategy for the commercial district's revitalization; and
- To recommend a realistic, achievable course of commercial district revitalization action for the short term.

The Assessment is conducted by two members of the NMSC technical services staff and is available in a two-day and three-day format. Prior to the on-site portion of the service, staff conduct demographic and other research about the neighborhood.

While on site, staff tour the commercial district, hold meetings and interviews with a variety of public and private constituents, make an informational presentation about the Main Street Four-Point Approach, formulate recommendations, and make a verbal presentation of preliminary findings. Following the on-site portion of the service, the commercial district will receive either a detailed written report of findings or a follow-up on-site consultation related to the Assessment findings and recommendations. The Main Street Assessment is ideal for commercial districts and organizations that have some previous experience with commercial revitalization but are unfamiliar with the Main Street Four-Point Approach and/or are not implementing a comprehensive scope of revitalization activities.

“Organizing for Main Street” Consulting Package

This comprehensive scope of organizational development services will assist non-Main Street neighborhoods that want to prepare themselves to participate in DC Main Streets. The National Main Street Center proposes to deliver up to 100 hours of consultation to a neighborhood organization (whether structured as an incorporated entity or unincorporated group). The package of consulting services would include the following components.

- Initial Main Street presentation
- Consultation on appropriate organizational structure and identification of key constituents
- Board development consultation/training
- Committee development- training and/or consultation in establishing committees, recruiting volunteers, and defining roles/responsibilities
- Development of a realistic action plan for the organization to implement prior to application for DC Main Streets
- Identification of appropriate funding sources
- Telephone/on-site consultation to address questions and other organizational issues

This service is appropriate for neighborhoods with little or no previous commercial revitalization activity. Up to 100 hours per neighborhood are allocated for delivery of this package. Package components can be adjusted according to the needs and circumstances of recipient neighborhoods. As appropriate, written reports and documents will be delivered. The NMSC would negotiate with *reSTORE* DC staff to develop a final scope of work for each recipient.

Main Street 101 Training

The National Main Street Center will organize and present a two-day workshop that covers the fundamentals of the Main Street Four Point Approach™ as developed by the National Main Street Center. This highly interactive workshop will provide a one-half day of training on each of the following points: (1) Organization, (2) Design, (3) Promotions and (4) Economic Restructuring. It will provide the participants with guidance on roles and responsibilities, suggested projects, and “next steps.” This training can be delivered either to an individual non-Main Street neighborhood or to a

group of non-Main Street districts. Content is altered from the standard Main Street 101 to address the needs of this specific audience. Two NMSC staff will organize and present the seminar. The NMSC will provide copies of the required training materials for all participants.

Abbreviated On-Site Four Point Training

As an alternative to the two-day Main Street 101 training, the National Main Street Center will organize and present a two to three hour training programs on each of the Main Street's Four Points. Each of the four training modules will cover revitalization activities of that point, project ideas, and implementation strategies. This abbreviated training would be presented to non-Main Street commercial districts that desire a general introduction to the Main Street Four-Point Approach. Depending on the neighborhood's needs, the NMSC will deliver training on one or more of the Four Points. Training would be conducted by one member of the NMSC's professional staff; all training materials will be provided.

"Fund-Raising for Main Street" Seminar

The National Main Street Center will organize and present a one-day seminar on fund-raising for Main Street. Seminar content will include sources and uses of funds, methods for raising money, strategies for linking projects to income, project case studies, and hands-on "how-to" exercises. This seminar can be delivered to a single non-Main Street neighborhood or to a group of non-Main Street districts. Training would be conducted by one member of the NMSC's professional staff; all training materials will be provided.

Main Street Fund-Raising Consultation

The NMSC will organize and deliver a two-day on-site consulting service designed to develop a fund-raising plan for commercial revitalization projects in non-Main Street neighborhoods. This service is appropriate for organizations just beginning revitalization activities or those that have been previously active. The service will be provided by NMSC staff and a specialized consultant. Both will work with neighborhood representatives to identify funding needs and sources of funds, develop strategies for raising funds from those sources, and to train local representatives in fund-raising formats and methods. At the conclusion of the consultation, the neighborhood will receive a written report that documents findings and recommendations.

"Recruiting Volunteers to Main Street" Seminar

The National Main Street Center will organize and present a one-day seminar on how to recruit and retain volunteers for Main Street. Seminar content will include sources and uses of volunteers, methods for recruitment, training, and retention, strategies for matching projects to projects, "best practices" examples, and hands-on "how-to" exercises. This seminar can be delivered to a single non-Main Street neighborhood or to a group of non-Main Street districts. Training would be conducted by one member of the NMSC's professional staff; all training materials will be provided.

Main Street Volunteer Recruitment Consultation

The NMSC will organize and deliver a two-day on-site consulting service designed to develop a volunteer recruitment and retention plan for commercial district revitalization activities in non-Main Street neighborhoods. This service is appropriate for organizations just beginning revitalization activities or those that have been previously active. The service will be provided by two members of the NMSC professional staff. Both will work with neighborhood representatives to critique current volunteer development systems, and to identify volunteer needs, sources of individual and organizational volunteers, strategies for recruiting volunteers, and methods of training and rewarding volunteers. That information will be compiled into a written volunteer development plan for the organization/neighborhood.

Local Program Memberships

The National Main Street Center offers the National Main Street Network, a membership program that offers local Main Street programs a variety of benefits. Benefits include an annual subscription to *Main Street News*, access to the Members Only section of the NMSC website, discounts on publications and conferences, access to the Information Exchange (an on-demand research service), and access to the Main Street Network email list-serve. At the direction of *reSTORE* DC staff, the NMSC will provide neighborhood organizations or individuals with a one-year Network membership. Cost per membership is \$195 per year.

reSTORE DC

Commercial Property Acquisition and Development Program

Notice of Funding Availability**March 12, 2004**

Consistent with activities authorized by the Community Development Act of 1975 (D.C. Code Section 6-1006.) and pursuant to Mayor's Order 99-62 (issued April 9, 1999), the Deputy Mayor for Planning and Economic Development announces a ***Commercial Property Acquisition and Development Program*** ("CP-A&D") and issues this Notice of Funding Availability ("NOFA").

PROGRAM DESCRIPTION

The *Commercial Property Acquisition and Development Program* will provide matching grant funds for **non-profit corporations** to acquire, redevelop or build commercial properties located within the District of Columbia. The commercial property shall contain retail stores that appropriately serve the needs of customers in the property's trade area. Appropriateness shall be evaluated by analysis of the commercial revitalization strategy for the proposed project's neighborhood business district, as determined by a community development corporation, such as a local main street program or other commercial revitalization organization. Alternatively, the non-profit corporation could strategically invest the matching grant funds to retain, expand or attract a desirable retail business to commercial property in their neighborhood.

CP-A&D is designed to foster local ownership and facilitate the improvement of commercial properties throughout the District. CP-A&D funds are available to pay the capital costs of a variety of activities related to the acquisition and development of commercial properties, including:

- Site preparation
- Environmental remediation
- Site acquisition
- Site development
- Streetscape and infrastructure improvements
- Depreciable leasehold improvements

Applicants will be required either to attend training in how to develop commercial property or to demonstrate organizational proficiency and experience in commercial property development. If a CP-A&D applicant's request for funding can be met by an existing resource offered by the District, the applicant may be referred to that agency.

Program Administration

The program will be administered by the Office of the Deputy Mayor for Planning and Economic Development.

Total Funds Available

Up to \$5 million in matching grants will be available for CP-A&D in Fiscal Year 2004. Awards will range from a minimum of \$25,000 to a maximum of \$250,000, and require a cash match of 2:1 (i.e., \$2 must be raised privately for every \$1 contributed by the District). Eligible match sources include private and non-District public funds (e.g., federal). Match sources must be "in-hand" or pledged at the time of application, and must be pledged toward the proposed project. CP-A&D funding may be conditionally awarded based on obtaining funding commitments from other sources. Matching grant funds will be disbursed at settlement when all revenues are released from escrow.

Eligible Applicants

Any non-profit corporation operating in the District of Columbia, including areas designated as local DC Main Street programs, and whose goals include the economic revitalization of a neighborhood business district(s), may apply for a grant. A non-profit corporation may make application on behalf of an unincorporated group and serve as the fiduciary agent for the group. However, in this instance, the applicant must clearly outline project responsibilities; the applicant will be held accountable for achieving project outcomes. Unincorporated groups are still eligible to receive funding in the form of advisory services, training, and workshops, but not in the form of a direct cash outlay or cash grant.

Ineligible Applicants

Individual businesses are ineligible for a CP-A&D grant, except as sub-recipients of a grant awarded to an eligible recipient according to an approved grant agreement. For example, the capital costs of a for-profit business could be subsidized by an approved project, activity or program funded by a CP-A&D grant to a non-profit corporation.

Area of Program Interest

Retention, expansion and attraction of retail stores; creation of upper-story affordable housing above retail stores; and assisting retail tenants in the purchase of buildings are the priorities for CP-A&D funding. For FY 2004, CP-A&D encourages applicant organizations to apply for funding to assist projects that, in addition to street-level retail uses, also utilize the upper floors of commercial buildings for housing, particularly for retail workers. Occupying upper floors will provide the project with another source of revenue and help to "populate" the commercial corridor. Projects that offer expansion opportunities for existing retailers are also encouraged.

Applying for a Grant

Applications are accepted and reviewed on a rolling basis

Applications should be mailed or delivered any time to *reSTORE* DC, 1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC, 20009. Applications should be submitted in the form of one typewritten, paginated, UNBOUND proposal.

Application Procedures

Applications will be reviewed as they are received prior to the NOFA deadline, which will be published at a future date. Applicants are required to complete a standard grant application developed by the Washington Regional Association of Grantmakers. This standard grant application should form the basis of the CP-A&D application. For more information, and to download the application guidelines, please refer to:

http://www.washingtongrantmakers.org/WG/GM_Resources/Format/Format_Index.asp.

Additional forms for project evaluation are available from *reSTORE* DC and must be submitted with the application. Go to <http://restore.dc.gov> to download forms, or contact David Toland at (202) 727-5209 or david.toland@dc.gov.

Applicant organizations should be certain to identify the following:

1. Property name and address, including Ward and Square/Lot numbers;
2. Proposed design for property (include photos or renderings, if possible);
3. Name and contact information of the property's current owner;
4. Name and contact information of the development company and project architect, if known;
5. Provide a list of relevant commercial projects with which the applicant organization had primary involvement and describe the organization's role.
6. Name and contact information of the proposed development team, if known;
7. Amount of funding requested and amount of match provided¹;
8. Description/brief history of property and surrounding area (include photos if possible);
9. Description of the proposed project to be funded and why it should be funded;
10. Description of any previous attempts to address the proposed site (including working with other D.C. agencies);
11. Identify any relationship between the developer and any person working for, appointed to a position in, or elected to an office of the District of Columbia Government, an instrumentality of the District of Columbia, or any other entity from which there may be even an appearance of conflict of interest;
12. Expected benefit to the neighborhood, including mention of appropriate coordination with a local Main Street program to ensure proposed acquisition or development fits in with an approved commercial revitalization strategy²;

¹ The applicant organization should provide information about all sources of funding to determine the "gap" to be closed by CP-A&D, which should encourage private investment at a reasonable rate-of-return (approximately ten (10) percent). The "gap" should be as small as possible in order to maximize CP-A&D funds.

13. Proposed "Sources and Uses of Funds" statement for development financing, as well as proposed project budget (income/expense statement) for rehab or new construction³;
14. Plan for owning/operating property once work is complete, how property will be managed;
15. Proof of non-profit status;
16. Letters of Support;
17. Letter of Intent to comply with applicable District Laws including, but not limited to, First Source Hiring, LSDBE procurement, compliance with tax liabilities and Apprenticeship Program; and
18. Financial report of applicant organization (i.e., recent independent audit, copy of Form 990, etc.).

Projects will undergo a review of design appropriateness according to specific design guidelines provided by the Office of Planning, and should comply with the Secretary of the Interior's Standards for Rehabilitation.

Applications will be internally reviewed by reSTORE DC staff, and may also be reviewed by members of the Commercial Revitalization Task Force. The Task Force is comprised of representatives from the following agencies and private programs:

1. Deputy Mayor for Planning and Economic Development
2. Department of Housing and Community Development
3. Office of Planning
4. District Department Of Transportation
5. Department of Banking and Financial Institutions
6. National Main Street Center
7. D.C. Marketing Center
8. Georgia Avenue Business Resource Center
9. Clean City Program

Additional comments may be sought from staff of the Office of Planning (including neighborhood planners and/or the project manager for Revitalization Planning) and/or Neighborhood Service Coordinators in the Office of the City Administrator and Neighborhood Outreach Coordinators in the Mayor's Office of Public Advocate.

Evaluation Criteria

CP-A&D applications will be evaluated according to the following:

- Information provided in the application (20 points)

² The proposed project should conform with the approved commercial revitalization strategy for the neighborhood, employ District residents, and generate retail sales tax revenue.

³ Contact reSTORE DC (<http://restore.dc.gov>; david.toland@dc.gov or 727-5209) for special forms.

- Financial need (10 points)
- Economic conditions, including internal rate of return to private investors (10 points)
- Likelihood of implementation following funding (20 points)
- Benefit to the commercial district and neighborhood (30 points)
- Positive Impact on the availability of affordable housing in the commercial district and neighborhood (10 points)

Applications will be scored a maximum of 100 points according to the evaluation criteria. Applications that receive the highest scores will be recommended for funding and reviewed by the Deputy Mayor for Planning and Economic Development. Funding awards may be conditional upon the applicant completing a task or action related to the project. For example, if the review committee determines that the scope of the project is too complex to be addressed as described in the application, funding could be awarded for a portion of the acquisition and development. Or, if the request for funding is not supported by a key neighborhood stakeholder, the award could be conditional upon demonstration of support from that key individual or organization. CP-A&D funding may be conditionally awarded based on obtaining funding commitments from other sources. Also, the Applicant Organization must have some form of contract of sale or agreement (i.e. option to purchase) or a signed lease, which may be contingent upon award of grant(s); for construction grants, the applicant should have accurate cost estimates for redevelopment/construction costs.

Disbursement of Funds

Grants will be disbursed according to an approved grant agreement between the Deputy Mayor and the grant recipient organization.

Reporting Requirements

The applicant organization will be held accountable for project implementation. Therefore, recipients will be required to document and report the use of funds. Reports must be delivered bi-monthly after the date of delivery of the funding, and upon the completion of the project.

Office of the Secretary of the
District of Columbia

February 19, 2004

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after March 15, 2004.

Adams, Jenny	New	Kass Mitek Kass 1050 17 th St,NW#1100 20036
Albright, Charita C.	Rpt	U.S. Small Bus Admin 1100 Vt Ave,NW9thFl 20005
Alper, Jaime	New	2929 Conn Ave,NW#601 20008
Brown, Lucille F.	Rpt	4825 10 th St,NE 20017
Brunson, Bernice	Rpt	N B C 4001 Nebraska Ave,NW 20016
Castellow, Anne E.	Rpt	Hunt Reporting Company 1620 L St,NW#1210 20036
Cheek, Dorothy	New	NLC Mutual Insurance 1301 Pa Ave,NW#701 20004
Coker, Barbara B.	Rpt	Grace Memorial Bapt Ch 2407 Minn Ave,SE 20020
Cross, Lacette	New	Thelen Reid & Priest 701 Pa Ave,NW 20004
Day, Cali	New	L A D Reporting 1100 Conn Ave,NW#850 20036
Demmeritte, Yvonne D.	New	Stier Anderson 2175 K St,NW#320 20037

Fazio, Jonathan D.	New	Wachovia 2000 L St,NW 20036
Ford, Jocelyn	New	Natl Children's Center 6200 2 nd St,NW 20011
Foster, Michelle R.	New	Global Business Attorneys 6323 Ga Ave,NW3rdFl 20011
Frisco, Jane L.	Rpt	Covington & Burling 1201 Pa Ave,NW 20004
Gardner, Melissa	New	L A D Reporting 1100 Conn Ave,NW#850 20036
Gillespie, Allen Dewayne	New	2619 Naylor Rd,SE#201 20020
Goings, Cassandra R.	New	TLPJ Foundation 1717 Mass Ave,NW#800 20036
Gould, Christopher J.	New	Wright & Batchelor 1990 18 th St,NW 20009
Griffith, Matthew T.	New	Merrill Lynch 1850 K St,NW 20006
Ham, Doris	Rpt	Jordan & Keys 1400 16 th St,NW#520 20036
Harris, Alicia N.	New	A F S C M E 1625 L St,NW 20036
Harrison, Mary M.	New	D.C. Chamber of Commerce 1213 K St,NW 20005
Hendricks, Louise G.	Rpt	Martell Donnelly et al 1900 L St,NW#401 20036
Holdridge, Gregory A.	New	Certified Closing Network 1325 G St,NW#600 20005

Holmes, LaShaun	New	DHS/MRDDA 429 O St,NW 20001
Jimenez, Liliam C.	New	CesarChavezPublicChtrHS 1346 Fla Ave,NW2ndFl 20009
Johnson, Anika	New	NYNE 945 G St,NW#207 20001
Johnson, Dietrich B.	New	LA Clinica del Pueblo 2831 15 th St,NW 20009
Johnson, Lisa R.	New	Hovde Financial 1826 Jefferson Pl,NW 20036
Johnson, Roxanna R.	Rpt	OrrickHerringtonSutcliffe 3050 K St,NW#200 20007
Jones, Andrea	New	Riggs Bank 1913 Mass Ave,NW 20036
Lanzone, Gisella	New	PAHO/WHO Fed Credit Union 2112 F St,NW#201 20037
Lema, Maria M.	New	Ka Po'e Hana 1718 M St,NW#PMB249 20036
Lynch, Catherine C.	New	L A D Reporting 1100 Conn Ave,NW#850 20036
Nadeau, Valrie L.	New	U.S. Congress/C B O 2 nd & D Sts,SW 20515
Oliver, Robin L.	Rpt	God TV 1730 M St,NW#905 20036
Overton, Carol A.	Rpt	D O J/Tax Division 600 E St,NW5thFl 20530
Overton, Lisa	New	2301 Tunlaw Rd,NW 20007

Perry, Janet M.	New	Swidler Berlin et al 3000 K St,NW#300 20007
Pope, Phyllis	New	Barnes & Thornburg 750 17 th St,NW#900 20006
Reid, Deborah B.	New	Kriegsfeld Corporation 4301 Conn Ave,NW#132 20008
Rogers, Linda	New	2313 Good Hope Ct #401 20020
Rossick, Paul	New	Bastianelli Brown Kelley 1133 21 st St,NW#500 20036
Russell, Viola J.	Rpt	1822 11 th St,NW 20009
Samba, Kadija H.	New	Garfield Hills Apartments 2301 Hartford St,SE#2 20020
Schachter Andrew N.	Rpt	Diversified Reporting 1101 16 th St,NW2ndFl 20036
Smyth, Alston	New	Press & Press 2150 Wis Ave,NW 20007
Stays,Jr., Ernest L.	New	535 Lebaum St,SE 20032
Thompson, Shirley D.	Rpt	D O J 601 D St,NW 20530
Thrush, Chad	New	USNavyMemorial Foundation 701 Pa Ave,NW#123 20004
Toler, Kathleen A.	New	Buckley's Renewal Center 637 Indiana Ave,NW 20004
Turpin, Velma L.	New	Wachovia 5005 N H Ave,NW 20011

Vyas, Kartjk H.	New	League of Women Voters 1730 M St,NW#1000 20036
Walker, Kathryn C.	New	AFL-CIO/Bldg&Const Dept 815 16 th St,NW#600 20006
Wangberg, Jeanette	New	Thelen Reid Priest 701 Pa Ave,NW#800 20004
Wigder, Timothy M.	New	Williams & Connolly 725 12 th St,NW 20005
Worrell, Quinton	Rpt	John Christie & Assoc 5028 Wis Ave,NW 20016

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17021 of Estelle Goldman, pursuant to 11 DCMR § 3104.1 for a special exception to continue the use of a nonconforming retail grocery/deli in the FBOD/R-3 District at premises 912 New Hampshire Avenue, N.W. (Square 28, Lot 122).

HEARING DATES: June 17, 2003 and September 23, 2003
DECISION DATE: October 7, 2003

DECISION AND ORDER

This application was submitted on April 11, 2003 by the owner of the property that is the subject of the application, Estelle Goldman (the applicant). Following a hearing on September 23, 2003¹ and a public meeting on October 7, 2003, the Board of Zoning Adjustment (the Board) voted to approve the special exception for a period of three years.

PRELIMINARY MATTERS

Self-certification The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The application The application was for a special exception to continue the use of a nonconforming retail grocery/deli that was last authorized by BZA Order No. 16261, dated November 12, 1997. The initial application also requested that the hours of operation be expanded to 24 hours a day under § 2003 of the Zoning Regulations. However, the applicant later withdrew her request to expand the hours of operation. As a result, the only issues remaining for the Board's consideration were the special exception approval and the terms and conditions of such approval.

Notice of Public Hearing Pursuant to 11 DCMR 3113.3, notice of the hearing was sent to the applicant, all owners of property within 200 feet of the subject site, the Advisory Neighborhood Commission (ANC) 2A, and the District of Columbia Office of Planning (OP). The applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect.

ANC 2A The subject site is located within the jurisdiction of ANC 2A, which is automatically a party to this application. Although not required to do so under applicable law, the applicant met with ANC representatives, resulting in the development of a proposed "Management Agreement Covering the Operations of the 7-11 Store at 912

¹ The hearing set for June 17, 2003 was continued at the request of the applicant until September 23, 2003.

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New Hampshire Avenue" (the "Management Agreement").² The negotiated Management Agreement encompasses various issues and concerns of the ANC and provides that the ANC will not object to the continuation of the special exception with conditions. However, the applicant and ANC were unable to agree on the duration of the special exception and the Management Agreement makes clear that the ANC did not support a term exceeding 3 years. Thus, while the applicant requested Board approval for a 10 year period (or a minimum of 5 years), the ANC's final submission urged the Board to grant approval for only a 3 year period (Exhibit 51).

Requests for Party Status The Board granted party status to 2 neighboring property owners: Harold Talisman (Exhibit 26) and Benjamin Klotz (Exhibit 25).³ Mr. Talisman and Mr. Klotz both urged the Board to limit the special exception approval to 3 years, citing examples of the applicant's alleged non-compliance with prior Board orders.

Persons in Opposition Several neighboring property owners appeared in opposition to the applicant's initial request for expanded hours of operation. However, they took no position once the applicant withdrew this request and the issues were narrowed.

OP Report OP's report (Exhibit 43) indicated that the application meets the tests for special exception approval, and recommended that the application be approved for a 3 year term with conditions. An OP representative testified that he recommended a 3 year term because it corresponded to what was negotiated by the ANC in the Management Agreement.

FINDINGS OF FACT

The Special Exception History

1. This application was filed on behalf of 7-Eleven, Inc. ("7-Eleven") and its franchisee for a special exception to continue the use of a non-conforming retail grocery/deli. The special exception was last approved by the Board in BZA Order No. 16261 on October 1, 1997. However, that approval was for a 3 year period that expired on or about October 1, 2000. Consequently, the applicant was operating without Board approval at the time this application was filed and heard.
2. Beginning in 1982, previous Board orders granted approval to operate a grocery and/or delicatessen at the site for terms ranging from 3 years to 6 years. In Order No. 13596 the Board granted approval in 1982 to operate for 3 years. In Order No. 14196

² The proposed Management Agreement (appended to Exhibit 52) had not been finalized at the time of the decision meeting on October 7, 2003.

³ Neighboring property owner, Suzette Klein, also filed a request for party status (Exhibit 40). However, she withdrew her application when the applicant withdrew her request for expanded hours of operation.

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the approval was for 6 years beginning in 1984; and in Order No. 15526 the approval was for 5 years beginning in 1991.

The Site and Surrounding Area

3. The subject property is located near the intersection of 24th Street and New Hampshire Avenue, N.W., almost immediately adjacent to the new George Washington University Hospital and within walking distance of the Foggy Bottom Metro Station and the George Washington University campus.

4. The property is zoned FBOD/R-3. To the north are three-story residential buildings and a 9-story condominium apartment building. To the south is a two-story row house and a 7-story apartment building and row houses.

5. The total gross floor area of the building is approximately 2,700 square feet, with approximately 913 square feet on each of the 3 levels (basement, first and second floors). The second (top) floor of the building is used for residential purposes by 7-Eleven for its employees. The franchisee also maintains an off-site parking space on 24th Street.

The Special Exception Operations

6. The store currently operates from 7:00 am to 11:00 pm daily. Three employees work the day shift from 7:00 am to 3:00 pm, and three employees work the evening shift from 3:00 pm to 11:00 pm. No beer, wine, liquor, or drug paraphernalia of any kind are sold at the store.

7. There is no vehicular or other access to the rear of the property. Therefore, all loading is accomplished at the front of the store on the public street. Deliveries occur from 9:30 am to 3:00 pm at a commercial loading zone on New Hampshire Avenue, N.W., except deliveries from the 7-Eleven distribution center occur only twice per week during the evening from 8:00 pm to 10:00 pm.

8. Interior and exterior trash containers are provided and regularly emptied by the franchisee, who is also responsible for ensuring that the front of the store is kept free from litter, debris and "spillage" on the public space.

9. Tinted doors and windows are used to prevent interior light from intruding beyond the store. Exterior lighting is provided to ensure public safety, but shielded to minimize disturbance to the neighborhood.

CONCLUSIONS OF LAW

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The Special Exception

Generally, the Board is authorized to grant a special exception where, in its judgment, the special exception will "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property." 11 DCMR § 3104.1, D.C. Official Code § 6-641.07(g)(2)(2001). The Board concludes that the continued use of the property as a retail grocery/deli will be compatible with the surrounding area and will not adversely affect neighboring properties, so long as the conditions within this Order are complied with.

Each special exception permitted, however, must also meet all the conditions enumerated in the particular section pertaining to it. In this case, therefore, the applicant also has to meet the conditions listed in § 2003 of the Zoning Regulations. Section 2003 sets forth specific criteria under which the Board may permit a change to a nonconforming use, and will be discussed in the paragraphs that follow.

2003.1 If approved by the Board of Zoning Adjustment, as authorized in §§ 3103 and 3104 for variances and special exceptions respectively, a nonconforming use may be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in this section.

The longstanding and requested continuing use of the subject property as a grocery store and delicatessen for 7-Eleven operations is permitted as a matter-of-right in the C-1 district, the most restrictive commercial district. See, 11 DCMR § 701.4

2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.

Provided there is no expansion of its hours of operation, and provided the applicant complies with the Conditions in this Order, the 7- Eleven retail grocery/deli will not adversely affect the present character or future development of the surrounding area.

2003.3 The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.

Provided there is no expansion of its hours of operation, and provided the applicant complies with the Conditions in this Order, the 7-Eleven retail grocery/deli will not create any deleterious external effects such as those enumerated above.

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2003.4 When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use of less restrictive use.

For 21 years, 7-Eleven has maintained the same use as a grocery store and delicatessen and has not converted to a conforming or more restrictive use.

2003.5 In Residence Districts, the proposed use shall be either a dwelling, flat, apartment house, or a neighborhood facility.

In each previous Board order, it was determined that 7-Eleven and its franchisee use the subject property as a "neighborhood facility", and this Board adopts this determination.

2003.6 For the purpose of this section, the districts established by this title are listed in the following order of decreased use restriction:

- (a) R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, and R-5-E;
- (b) SP-1 and SP-2;
- (c) C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD);
- (d) W-1, W-2, and W-3
- (e) CR; and
- (f) C-M-1, C-M-2, C-M-3, and M.

A retail grocery/delicatessen is first permitted within the C-1 District. Within the R-5 District, "foods, drugs and sundries" are permitted as an accessory use, but only within apartment houses and with no direct access to the outside.

2003.7 The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

This property is within the Foggy Bottom Historic District, whose purpose includes "enhanc[ing] the residential character of the area by maintaining residential uses". Previous Board approvals have been subject to specific conditions and/or terms of a Management Agreement. Because the Board desires to protect the historic and residential character of the neighborhood, and because of the ongoing Management Agreement between the applicant and the affected ANC, the Board's approval will be subject to various conditions that address screening, landscaping, lighting, signage, loading, and hours of operation.

The Board is required under Section 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21, as amended; D.C. Official Code § 1-309.10(d)(3)(A)), to give "great weight" to the issues and concerns raised in the affected ANC's recommendations. To give "great weight" the Board must articulate with

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particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances and make specific findings and conclusions with respect to each of the ANC's issues and concerns. In this case the ANC supported the applicant's request for continued approval, provided certain conditions of the Management Agreement were incorporated and, provided the approval was limited to a three-year term. However, the Board may impose only those conditions that are necessary to mitigate the potential adverse impact of the zoning relief granted. D.C. Official Code § 1-309.10 (2001). The Board is persuaded that most of the negotiated conditions proffered by the applicant and ANC are necessary in this respect. The Board is also persuaded based upon the evidence of record (including the applicant's more than three year period of operating without Board approval and neighborhood complaints regarding the applicant's non-compliance with prior special exception conditions) to limit the approval to the three-year period requested by the ANC.

In light of the foregoing, the Board **ORDERS** that the application is hereby **GRANTED** to allow the continued use as a special exception of the 7-Eleven as a retail grocery/delicatessen at 912 New Hampshire Avenue, N.W. (Square 28, Lot 122), **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **THREE (3) YEARS**.
2. The hours of operation shall be from 7:00 am to 11:00 pm daily.
3. Deliveries from the 7-Eleven distribution center shall be between 8:00 pm and 10:00 pm only.
4. All other deliveries shall be on a scheduled basis between 9:30 am and 3:30 pm so that only one delivery vehicle is at the site at any given time.
5. All deliveries shall be made using the commercial loading zone on New Hampshire Avenue immediately adjacent to the site.
6. Applicant will empty the trash containers belonging to 7-Eleven and the District government in front of the store at least twice daily or more frequently as required.
7. Applicant will clean the sidewalk and gutter in front of the store to ensure they are clean at all times.
8. Applicant will clear trash from the sidewalks in front of the adjacent and nearby buildings to the north and south of the store on a regular basis.
9. Applicant will clear snow and ice from the sidewalk in front of the store to ensure safe passage.
10. Applicant will maintain the exterior appearance of the premises in keeping with the residential character of the Foggy Bottom Historic District and Foggy Bottom Overlay District. Any exterior lighting shall be minimized and directed downward and away from all adjoining residential property. Applicant will take all reasonable measure to minimize the light visible from the inside of the store, and will maintain tinted windows and doors.
11. No signs or poster will be posted in the windows and no public telephones,

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teller machines or other similar devices will be added to the exterior of the building. No electronic or mechanical amusement machines will be located on the premises.

12. No storage containers or items, except garbage receptacles, will be stored on the exterior of the store.
13. Applicant will maintain the exterior landscaping at the property as provided in the negotiated Management Agreement.

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, David A. Zaidain, Curtis L. Etherly, Jr., and Peter G. May to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

FINAL DATE OF ORDER: FEB 23 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE

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PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. SAG/RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17082 of Washington International School, pursuant to 11 DCMR § 3104.1, for a special exception to allow an existing private school to amend Condition No. 3 of BZA Order No. 16189, to allow a total of 102 faculty and staff under section 206, in the R-1-A District at premises 3100 Macomb Street, N.W. (Square 2084, Lot 837).

HEARING DATE: December 9, 2003
DECISION DATE: December 16, 2003

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Friends of Tregaron testified in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 206. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 206, that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS**:

1. The total number of faculty and staff shall not exceed 102.
2. The Applicant shall file documentation by the first week of January every year verifying the total number of faculty and staff.

VOTE: **3-0-2** (Geoffrey H. Griffis, Ruthanne G. Miller and David A. Zaidain to approve; Curtis L. Etherly, Jr., and the Zoning Commission member not hearing the case not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: FEB 13 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE

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GROUND FOR THE REVOCATION OF ANY BUILDING PERMIT OR
CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17115 of Rainbow Lofts, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the residential recreation space requirements under section 773, to allow the development of a 21-unit residential building in the Arts/C-3-A District at premises 1445 Church Street, N.W. (Square 209, Lot 106).

HEARING DATE: February 17, 2004
DECISION DATE: February 17, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2F. ANC 2F submitted a letter in conditional support of the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2 and 773. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 773, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of

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fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED** with the following **CONDITION**:

The Applicant will provide residential recreation space on the property as shown in the roof plan included in Exhibit 24 of the record in this case. The project will include 1,184 square feet of residential recreation space (994 square feet on the roof and 190 square feet in the project's lobby) that is fully compliant with the requirements of section 773. The 1,184 square feet of residential recreation space is equal to 4.96% of the gross floor area of the project devoted to residential use.

VOTE: 4-0-1 (Geoffrey H. Griffis, David A. Zaidain, Curtis L. Etherly, Jr., Ruthanne G. Miller and to approve, the Zoning Commission member not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: FEB 23 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE

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GROUND'S FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUND'S FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17116 of 1701 18th Street, LLC, pursuant to 11 DCMR § 3101.2, for a variance from the floor area ratio requirements under section 402, a variance from the court width requirements under section 406, a variance from the nonconforming structure provisions under section 2001.3, to allow the conversion of a chancery to an apartment building in the D/DC/R-5-B District at premises 1701 18th Street, N.W. (Square 153, Lot 132).

HEARING DATE: February 17, 2004

DECISION DATE: February 17, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2B. ANC 2B submitted a letter in conditional support of the application. The OP submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 402, 406 and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 4-0-1 (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller and David A. Zaidain to approve, the Zoning Commission member not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: FEB 23 2004

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE,

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COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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